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FILED
WILLIAMSPORT, PA

JUN 25 2001

MARY E. D'ANDREA, CLERK
Per *MD* **DEPUTY CLERK**

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-01-0677
	:	(Rambo, J.)
RONALD L. JURY, Lieutenant,	:	
SIS, et al.,	:	
Defendants	:	

MOTION FOR ENLARGEMENT OF TIME

Defendants ask the Court for a three-week enlargement of time, pursuant to Fed. R. Civ. P. 6(b), in which to respond to the complaint filed on April 18, 2001. Defendants state the following in support thereof:

1. Plaintiff is Emanuel Thomas Newman, an inmate incarcerated at the Allenwood United States Penitentiary in White Deer, Pennsylvania ("USP Allenwood").

2. On April 18, 2001, plaintiff filed his Bivens complaint against three Bureau of Prisons' employees claiming a deliberate indifference to his safety and welfare. Specifically, plaintiff alleges that defendants failed to protect him from an assault by another inmate.

3. In order to properly respond to plaintiff's allegations, agency counsel with the Federal Bureau of Prisons is conducting an investigation into plaintiff's claims and is obtaining sworn

declarations and documentation in support of a dispositive motion.

4. However, due to other workload considerations and duties away from the Office, agency counsel has not been able to complete his investigation and obtain all of the declarations. Specifically, agency counsel was out of the Office from May 22, 2001, until May 31, 2001, and is currently on scheduled leave from June 18, 2001, until June 29, 2001.

5. Additionally, in recognition of the federal holiday observance on Wednesday, July 4, 2001, it is likely that, upon his return to the Office, agency counsel's efforts may be hampered by the scheduled vacations of pertinent staff.

6. Accordingly, defendants request a three-week enlargement of time in which to file their answer or to otherwise plead.

7. Defendants submit that plaintiff will not be prejudiced by this enlargement of time as it will allow agency counsel and the undersigned additional time in which to investigate his claims and to prepare a response which is thorough and complete in all respects.

WHEREFORE, on behalf of defendants, the United States Attorney's Office requests an enlargement of time until July 16, 2001, in which to adequately respond to the allegations of the complaint. Counsel certifies that she has not sought the

concurrence of plaintiff because plaintiff is a prisoner proceeding pro se. M.D. Pa. Local Rule 7.1.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney

A handwritten signature in cursive script, appearing to read "Dulce Donovan", with a small mark at the end.

DULCE DONOVAN
Assistant U.S. Attorney
MICHELE E. LINCALIS
Paralegal Specialist
316 Federal Building
240 West Third Street
Williamsport, PA 17703

Dated: June 25, 2001

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN, :
Plaintiff :
 :
v. : Civil No. 1:CV-01-0677
 : (Rambo, J.)
RONALD L. JURY, Lieutenant, :
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Defendants :

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

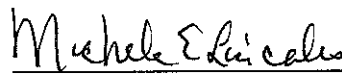
That on June 25, 2001, she served a copy of the attached

MOTION FOR ENLARGEMENT OF TIME

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Emanuel Thomas Newman
Reg. No. 13418-039
FCI Pekin
P.O. Box 5000
Pekin, IL 61555-5000


MICHELE E. LINCALIS
Paralegal Specialist